UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,182	11/03/2000	Theron Tock	DANAP002	5563

22434 7590 11/23/2004

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER	
ENG, DAVID Y	

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/706,182	TOCK ET AL.	
	Examiner	Art Unit	
	DAVID Y. ENG	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-46.* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim 9 has been cancelled. The active claims are 1-8 and 10-46.

Applicants are again requested to identify the support of claims 1-8 and 10-46, the target URL and the resource URL of claim 38 in the specification and the drawings in accordance with Rule 1.83a and 1.75d1. The Examiner is not saying that the drawings and the specification are defective. The Examiner has carefully studied Figures 5A-5D, 10-11 and 12A-12B as identified by Applicants. However, the Examiner is unable to find the clear support of the steps and the combination thereof as claimed.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, there is no antecedent basis for "original URL links". It is not clear what the original URL is for. It is not clear that why the original link is being selected for modification.

Claims 1-8 and 10-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Graber (USP 5,812,769).

With respect to claims 1, 10-12 and 15-18, Graber taught:

Claim 1. A method for processing a request (see the abstract of Graber) at a first server (server is inherent in network communication) to form a modified request that is directed to a second server (see the first 4 lines in the abstract), the first and second servers being coupled to a network (Internet), said method comprising:

receiving the request (see "a signal" in lines 4-6 of the abstract, the signal is the request of the user to move from the first location on the WWW to the second location on the WWW) from a requestor (user), the request including at least a port number (representative of the destination URL, inherent because the user must express where he wants to go);

identifying an initial hostname portion (see the first portion of the URL in line 10 of the abstract) of the request associated with a network address of the first server;

retrieving a replacement hostname (destination URL) portion for the request from storage associated with the first server based on at least the port number (see "the complete destination URL --- is retrieved---" in lines 49-52 of column 7 of Graber),

wherein the replacement hostname portion (see "a destination URL portion representative of an address of the second location" in lines 8-10 of the abstract) is associated with a network address of the second server;

replacing (see "substituting" in lines 12-13 of the abstract) the initial hostname portion with the replacement hostname portion to form the modified request;

forwarding the modified request to the second server using the replacement hostname portion (see the last 3 lines of the abstract);

receiving information (operation on the second location of the WWW by the user) associated with the modified request from the second server; and

modifying (operation on the second location of the WWW by the user) the received information to associate the received information with the first server.

The only difference is that Graber did not explicitly state that the request includes a port number that is used to retrieve a replacement hostname from a storage. It is inherent that the user of Graber must provide, in his request, identity or address of the destination he wants to go from the first location of the WWW. It is inherent because otherwise it does not work. Whether to use port, address or other labels to represent the location from which the address of the destination is obtained is a matter of preference because in either way it is being used to retrieve the address of the destination. It would have been obvious to a person of ordinary skill in the art to use port to retrieve the destination address (hostname) if port is used to identify the location from which the destination address can be retrieved. The term "port" as used in the claim is no different than an address, namely, for retrieving stored information. In lines 49-52 of column 7 Graber taught that the complete destination URL is retrieved (from a storage based on an address).

With respect to claims 2-3, see the description of Fig. 5 in column 4 of Graber. It is well know to use link to toggle between two locations.

With respect to claims 4-5, no patentable weight is given to the labels of the information being sent to the second server because they are not being used to perform any meaningful operations. It is well known that when a user is linked to another location, information is being transferred between the two locations when the locations are switched back and forth.

Further with respect to claims 4-5, 7-8, 13-14, 19-21Graber also attaches navigational history information (cookies) to a user and passing it to the second server

(see the description of Figure 6 in column 4, the history is passed to the destination URL).

With respect to claim 6, see "substituting" in the abstract and in line 28 of column 3.

With respect to claims 22 and 23, see lines 15-36 of column 2 in Graber.

Claims 24-46 are broader than claims 1-8 and 10-23. Claims 1-8 and 10-23 therefore include all the limitations of claims 24-26. Claims 24-46 therefore do not define above the invention claimed in claims 1–23 and are therefore rejected under Graber for the same reasons set-forth above.

In the communication filed on 8/18/2004, Applicants contended that Graber does not disclose retrieving a replacements hostname portion from storage associated with the first server based upon a port number included in the request. Response to this limitation has already been set forth in the rejection above. Further, Applicants fail to explain why using port to access a storage is patentable distinct over Graber. Simply pointing out what a claim requires with no attempt to point out how the claim patentable distinguishes over the prior art does not amount to a separate argument for patentability. In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1987).

Applicants contended that the Examiner does not specifically address the features of the claims in his Office action and does not indicate a portion of Graber disclosing the claimed features. The Examiner did address the features of the claims and did indicate various portions of Graber disclosing the claimed features to the extent

the Examiner understands the scope of the features. To better understand scope of the claim features so as to identify the teaching in Graber, the Examiner therefore asked Applicants to identify the support of the claims in the specification. In the last Office action, the Examiner specifically asked for the support of claim 38. However, Applicants merely directed the Examiner to Figures 5, 10, 11 and 12 as illustrating exemplary embodiments of features recited in the claims and generally conclude that the application and associated drawings to speak for clearly teach the elements of the claims without further explanation.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to DAVID Y. ENG at telephone number 571-272-3984.

DAVID Y. ENG
PRIMARY EXAMINER